

POLICY GA 3.6 COMPLAINT RESOLUTION

A. PURPOSE: To establish the process for T/RBHAs and ADHS/DBHS to ensure the resolution and tracking of complaints reported by eligible and enrolled persons, their families or legal guardian(s), authorized representatives, other agencies and the public.

B. SCOPE: ADHS/DBHS and T/RBHAs.

C. POLICY: ADHS/DBHS and T/RBHAs shall:

- Respond to all complaints consistent with the requirements contained herein; and
- Track complaints for use as a source of information for quality improvement of the behavioral health service delivery system.

General questions or requests for information shall not be considered complaints.

An action that is subject to appeal through the Title XIX/XXI Member Appeal process shall not be handled as a complaint; rather, must be responded to as an appeal pursuant to ADHS/DBHS Policy GA 3.3, Title XIX/XXI Notice and Appeal Requirements.

D. REFERENCES: 42 CFR 431.200 et seq.
42 CFR 438.210
42 CFR 438.400 et seq.
9 A.A.C. 34, Article 2
AHCCCS/ADHS Contract
ADHS/T/RBHA Contract
ADHS/DBHS Policy GA 3.3, *Title XIX/XXI Notice and Appeal Requirements*

E. DEFINITIONS:

1. Complaint – A member's expression of dissatisfaction with any aspect of their care, other than the appeal of actions.
2. Health Care Professional – A physician (allopathic or osteopathic), licensed psychologist, physician assistant, registered nurse (including nurse practitioner), licensed independent social worker, licensed marriage and family therapist and licensed

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professional counselor.

F. PROCEDURES:

1. T/RBHA Requirements for Handling Complaints

- a. Each T/RBHA shall establish a centralized complaint resolution process for their region, and designate an individual, or individuals, to whom all complaints shall be referred. The individual (or individuals) must be trained to distinguish a complaint from a Title XIX/XXI appeal of an action (See ADHS/DBHS Policy GA 3.3, Title XIX/XXI Notice and Appeal Requirements). Persons seeking or receiving behavioral health services should always be encouraged to resolve issues at the lowest possible level. However, each T/RBHA must ensure that persons are aware that a complaint and appeal process is also available when necessary.
- b. The responsibilities for resolving complaints pursuant to requirements of this policy shall not be delegated by the T/RBHA. This does not preclude behavioral health providers from problem solving identified issues with behavioral health recipients.
- c. The T/RBHA shall respond to all complaints according to the requirements contained in this policy.
- d. In the event that the T/RBHA receives a complaint referred from ADHS/DBHS, the T/RBHA will provide an oral or written summary back to the ADHS/DBHS that describes the resolution of the complaint within the timeframe specified by ADHS/DBHS.
- e. The T/RBHA shall ensure that any specific corrective action or other action directed by ADHS/DBHS is implemented.
- f. When information is received, either orally or in writing, that the individual has a limited English proficiency or other communication need, the following requirements apply:
 - (1) For individuals needing translation in the prevalent non-English language within the region, the T/RBHA shall provide a written translation of the documents.
 - (2) For individuals who need translation in a language that is not considered a

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prevalent non-English language within the region or who require alternative formats (such as TTY/TTD), the T/RBHA shall provide oral interpretation or make alternative communication formats available, as indicated.

- g. Complaints may be made orally or in writing by eligible and enrolled persons, their families or legal guardian(s), authorized representatives, other agencies or the public to the T/RBHA. The T/RBHA shall not route, or otherwise encourage, the direct filing of complaints with AHCCCS, unless the complaint is specific, or directly relates, to the acute care health plan/provider.
- h. The T/RBHA shall establish and make available a toll free telephone number that can be used to file oral complaints.
- i. The T/RBHA shall acknowledge, either in writing or orally, the receipt of each complaint within 5 working days to the complainant.
- j. The T/RBHA must provide a decision to the person complaining as expeditiously as the health condition affected requires; however, T/RBHAs are required to dispose of each complaint and provide oral or written notice within a timeframe that does not exceed 90 days, unless an extension is in effect.
 - (1) The resolution timeframes for complaints may be extended for up to 14 calendar days, if the affected behavioral health recipient requests the extension, or if the T/RBHA establishes a need for additional information and can demonstrate that the delay is in the behavioral health recipient's interest.
 - (2) If the T/RBHA extends the timeframe for resolution of a complaint when not requested by the applicant or behavioral health recipient, the T/RBHA shall provide the person with written notice of the reason for the delay.
- k. The T/RBHA shall ensure that:
 - (1) Individuals who make decisions regarding complaints are not involved in any previous level of review or decision-making; and
 - (2) The individuals who make decisions about a complaint regarding the denial of expedited resolution of an appeal or complaint involving clinical issues are health care professionals with the appropriate clinical expertise in treating the behavioral health recipient's condition.

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I. The T/RBHA shall:

- (1) Maintain a log of all complaints received which documents the following information:
 - (a) TXIX/TXXI eligibility status;
 - (b) The individual or source making the complaint;
 - (c) A description of the complaint;
 - (d) Any identified communication need (e.g., need for translator);
 - (e) The resolution(s) reached; and
 - (f) The length of time for resolution, including whether an extension was in effect.
- (2) Routinely review the data collected through the complaint process as part of the T/RBHA's quality improvement strategy and network sufficiency review.

2. ADHS/DBHS Requirements for Handling Complaints

- a. In the event that complaints are received by ADHS/DBHS from eligible or enrolled persons, their families or legal guardian(s), authorized representatives, governmental entities, other state agencies, private agencies and the public, the complaint will be referred to the appropriate T/RBHA staff designated to respond to complaints and according to the protocol established with the T/RBHA and the process described in Section F.1. of this policy.
- b. When information is received, either orally or in writing, that the individual has a limited English proficiency or other communication need, the following requirements apply:
 - (1) For individuals needing translation in the prevalent non-English language within the region, the T/RBHA shall provide a written translation of the documents.

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- (2) For individuals who need translation in a language that is not considered a prevalent non-English language within the region or who require alternative formats (such as TTY/TTD), the T/RBHA shall provide oral interpretation or make alternative communication formats available, as indicated.
- c. ADHS/DBHS staff shall enter information regarding complaints into the automated ADHS/DBHS complaint database.
- d. ADHS/DBHS shall routinely review the data collected through the complaint process as part of its quality improvement strategy.

G. APPROVED BY:

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